

# EXHIBIT 3

REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF  
DAVID B. TUCKERMAN, PH.D.  
Lake Stevens, Washington (Witness' location)  
Friday, March 18, 2022

Reported by:  
LYDIA ZINN  
RPR, FCRR, CSR No. 9223  
Job No. SF 5137947  
PAGES 1 - 103

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASETEK DANMARK A/S, )  
                        )  
Plaintiff and         )  
Counterdefendant,     )  
                        )  
VS.                     ) CASE NO.  
                        ) 3:19-CV-00410-EMC  
COOLIT SYSTEMS, INC., )  
                        )  
Defendant and Counterclaimant. )  
                        )  
COOLIT SYSTEMS USA INC. COOLIT )  
SYSTEMS ASIA PACIFIC LIMITED, )  
COOLIT SYSTEMS (SHENZHEN) CO., )  
LTD.,                     )  
                        )  
Defendants,             )  
                        )  
CORSAIR GAMING, INC. and )  
CORSAIR MEMORY, INC., )  
                        )  
Defendants.             )  
                        )

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Grant Cihlar, Videographer, Veritext

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1 financially interested in the outcome.

2:19:16PM

2 Counsel and all present will now state their  
3 appearances and affiliations for the record. If there  
4 are any objections to proceeding, please state them at  
5 the time of your appearance, beginning with the  
6 untiling attorney.

2:19:27PM

7 MR. REUBEN CHEN: This is Reuben Chen from  
8 the law firm Cooley LLP on behalf of CoolIT and  
9 Corsair.

10 And just a point of clarification: I'll be the  
11 taking attorney. And I'm representing the defendant  
12 and counterclaimant, CoolIT. And with me is also  
13 Dr. Kyle Chen of the Greenberg firm.

2:19:40PM

14 MS. BHATTACHARYYA: Arpita Bhattacharyya from  
15 Finnegan law firm. And I'm on behalf of the plaintiff,  
16 Asetek Danmark A/S, and witness, Dr. David Tuckerman.

2:19:58PM

17 THE VIDEOGRAPHER: Thank you. I stand  
18 corrected on that.

19 Will the court reporter please swear in the  
20 witness.

2:20:12PM

21 DAVID TUCKERMAN, PH.D.,  
22 called as a witness by the Defendant, having been duly  
23 sworn, testified as follows:

24 THE WITNESS: Yes, I affirm.

25 /////

/////

2:20:29PM

1	EXAMINATION	2:20:30PM
2	BY MR. REUBEN CHEN:	
3	Q Good afternoon, Dr. Tuckerman.	
4	A Good afternoon.	
5	Q The same procedures that we followed in your prior 2:20:34PM	
6	deposition will apply to today's deposition, so I won't	
7	repeat them, other than to ask whether there are any	
8	conditions or factors that would prevent you from	
9	giving accurate and complete testimony today, such as	
10	being under the influence of any medications or 2:20:52PM	
11	substances.	
12	A No, there's nothing like that.	
13	MR. REUBEN CHEN: Great. Let's introduce	
14	into the record your Invalidity Report, which are	
15	Exhibits 259, along with their exhibits, which have 2:21:13PM	
16	been marked as Exhibits 259A through F.	
17	(Deposition Exhibits 259, 259A, 259B, 259C, 259D, 259E,	
	259F previously marked for identification.)	
18	BY MR. REUBEN CHEN:	
19	Q And at any time during any questions that I ask	
20	you today, feel free to refer to your report if you 2:21:30PM	
21	need to, Dr. Tuckerman.	
22	A Thank you.	
23	Q Okay. So I'll begin by asking you some further	
24	questions about the channels in the Antarctica device.	
25	You testified during prior deposition that you did not 2:21:44PM	

1 Please -- 2:25:46PM

2 MS. BHATTACHARYYA: He -- he has the topics.

3 He got the ten topics.

4 MR. REUBEN CHEN: Please, please limit your 2:25:53PM

5 statements to objections or instructions not to answer

6 questions.

7 MS. BHATTACHARYYA: You can ask your

8 question.

9 BY MR. REUBEN CHEN:

10 Q Dr. Tuckerman -- Dr. Tuckerman, I will repeat my 2:26:00PM

11 question.

12 A Okay.

13 Q You did not include any evidence of measurements 2:26:13PM

14 of the channels of the Antarctica device in your

15 report. Correct?

16 A Are you referring to the --

17 MS. BHATTACHARYYA: Objection. Out --

18 mischaracterizes prior testimony, Dr. Tuckerman's

19 report. Outside the scope of this deposition.

20 THE WITNESS: Are -- now, which report are 2:26:27PM

21 you referring to here? Are you referring to the report

22 that's in -- that's Exhibit 259 or...

23 BY MR. REUBEN CHEN:

24 Q Yes, your Invalidity Report, Dr. Tuckerman.

25 A Okay. So... 2:26:39PM

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1 Q This would be paragraph 57 of your report. 2:26:49PM

2 A Ah, thank you. That speeds things up. Okay.

3 So I... Okay. So I'm saying space between

4 adjacent fins is about 0.9 to 1.0 millimeters. And,

5 while I don't specify that here, I deposed -- I was 2:27:24PM

6 deposed previously on this, and indicated that I took

7 measurements with calipers at the bottoms of the

8 microchannels on July 5th -- I think it was -- and

9 got -- didn't get any measurements above 1.0. And they

10 were all .9-something. But that -- that's about all. 2:27:47PM

11 I mean, I didn't.

12 Q And you testified that you did not submit any

13 evidence of the measurements that you took in your

14 report. Correct?

15 MS. BHATTACHARYYA: Objection.

2:28:07PM

16 Mischaracterizes prior testimony. Outside the scope of

17 this deposition.

18 THE WITNESS: Well, I mean, my assertion was

19 based on having done these measurements. So, I mean...

20 BY MR. REUBEN CHEN:

2:28:25PM

21 Q Right, but listen to the question. The question

22 is: Did you submit any evidence of the measurements

23 that you took and included that evidence in your

24 report?

25 MS. BHATTACHARYYA: Same objections.

2:28:35PM

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1 THE WITNESS: I took some measurements. And 2:28:42PM

2 I reported that they were between .9 and 1.0. And  
3 that -- that's all I did.

4 BY MR. REUBEN CHEN:

5 Q But do you have any evidence that you submitted in 2:28:53PM  
6 your report that reflects that you took those  
7 measurements?

8 MS. BHATTACHARYYA: Objection. Outside the  
9 scope of this deposition. Mischaracterizes prior  
10 testimony and the report. 2:29:06PM

11 BY MR. REUBEN CHEN:

12 Q Dr. Tuckerman, you testified under oath previously  
13 that you did not take any pictures of the measurements  
14 that you allegedly took. Correct?

15 MS. BHATTACHARYYA: Objection. 2:29:21PM  
16 Mischaracterizes prior testimony. Mischaracterizes  
17 report. Outside the scope of this deposition.

18 THE WITNESS: I don't remember what my exact  
19 words were. I did not keep records of the  
20 measurements, if that's what you mean. I don't know 2:29:37PM  
21 exactly what words I used.

22 BY MR. REUBEN CHEN:

23 Q Right. So there are no records of your  
24 measurements that are included in your report.  
25 Correct? 2:29:46PM

1 MS. BHATTACHARYYA: Same objections. 2:29:48PM

2 THE WITNESS: I didn't think it was necessary  
3 at the time. I mean, it -- I wasn't asked to do that.

4 BY MR. REUBEN CHEN:

5 Q Okay. Now, after your report was submitted but 2:29:58PM  
6 before you were deposed in December of 2021, you  
7 reviewed a document provided by Asetek's counsel that  
8 allegedly discussed a machining tool. Correct?

9 MS. BHATTACHARYYA: Objection. Outside the  
10 scope of this deposition. 2:30:17PM

11 Mr. Reuben, I'm going to suspend this deposition  
12 now.

13 Which -- which topic are you referring to? You  
14 had ten topics in your deposition. What are you  
15 talking about? 2:30:26PM

16 MR. REUBEN CHEN: Let's go off the record.  
17 Let's go off the record, because you're -- you're  
18 eating up time by being --

19 MS. BHATTACHARYYA: Then go off the record  
20 and discuss -- 2:30:32PM

21 MR. REUBEN CHEN: Let's go off the record.  
22 Let's go off the record.

23 MS. BHATTACHARYYA: Okay.

24 THE VIDEOGRAPHER: We are going off the  
25 record. The time is 2:30 p.m. Pacific. And this is 2:30:36PM

1 the end of media unit one.

2 :30:40PM

2 (Discussion off the record.)

3 THE VIDEOGRAPHER: We're going back on the  
4 record. The time is 3:13 p.m., and this is the  
5 beginning of media unit two. Please continue. 3:13:16PM

6 MR. REUBEN CHEN: Thank you.

7 Q. Dr. Tuckerman, after your Expert Report was  
8 submitted, but before being deposed, you reviewed a  
9 document provided by Asetek's counsel that allegedly  
10 discussed a machining tool. Correct? 3:13:34PM

11 MS. BHATTACHARYYA: Objection. Outside the  
12 scope of the topics provided for this deposition.

13 THE WITNESS: I do recall that, yes.

14 BY MR. REUBEN CHEN:

15 Q And was it Ms. Bhattacharyya that showed you that  
16 document? 3:13:49PM

17 MS. BHATTACHARYYA: Same objection.

18 Mischaracterizes prior testimony.

19 THE WITNESS: I saw a -- Ms. Bhattacharyya  
20 showed me a document with a -- with a blade, and -- and  
21 a measurement of the blade. 3:14:04PM

22 BY MR. REUBEN CHEN:

23 Q Do you recall when you review --

24 MS. BHATTACHARYYA: Dr. Tuckerman, I caution  
25 you -- Dr. Tuckerman, I caution you to not reveal 3:14:15PM

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1 discussions with counsel.

3:14:20PM

2 THE WITNESS: Okay. Yes.

3 BY MR. REUBEN CHEN:

4 Q Did you recall when you reviewed that document?

5 A Not exactly, no.

3:14:28PM

6 Q Was it in December of 2021?

7 MS. BHATTACHARYYA: Same objections.

8 THE WITNESS: I don't know.

9 BY MR. REUBEN CHEN:

10 Q Okay. Was it as part of preparing for your

3:14:41PM

11 deposition in December of 2021?

12 MS. BHATTACHARYYA: Same objections.

13 THE WITNESS: Well, as I recall, the -- this

14 issue came up and -- of, you know, what -- what were

15 the dimensions.

3:15:10PM

16 So, I mean -- I mean, what was -- what was the

17 question again? Sorry.

18 MR. REUBEN CHEN: That's okay. I'll move on

19 to the next one.

20 THE WITNESS: Yeah.

3:15:21PM

21 BY MR. REUBEN CHEN:

22 Q Is that document written in Danish?

23 A Yeah. As I recall, it was.

24 Q And you don't read Danish. Correct?

25 A I -- I do not.

3:15:35PM

1 Q Did someone translate that document for you? 3:15:36PM

2 A Nobody translated it for me.

3 Q To your knowledge, does Ms. Bhattacharyya read  
4 Danish?

5 A I would not know. 3:15:50PM

6 MS. BHATTACHARYYA: Objection. Calls for  
7 speculation.

8 THE WITNESS: I would not know one way or the  
9 other.

10 BY MR. REUBEN CHEN: 3:15:58PM

11 Q Okay. So you don't know for certain that the  
12 document discusses a machining tool used to create  
13 Antarctica. Correct?

14 MS. BHATTACHARYYA: Objection. Calls for  
15 speculation. Foundation. 3:16:07PM

16 THE WITNESS: It --

17 MS. BHATTACHARYYA: And objection. Outside  
18 the scope of the deposition topics.

19 THE WITNESS: It -- as I recall, it was  
20 represented as having been provided by Asetek to 3:16:31PM  
21 counsel as being the blade or a blade that -- that was  
22 used for machining of Antarctica.

23 BY MR. REUBEN CHEN:

24 Q Who made those representations to you?

25 MS. BHATTACHARYYA: Objection. Outside the 3:16:51PM

1 scope of the deposition topics. 3:16:52PM

2 I will caution Dr. Tuckerman not to reveal  
3 contents of discussions with counsel.

4 MR. REUBEN CHEN: I'm not asking for the  
5 content. I'm asking who. 3:17:02PM

6 MS. BHATTACHARYYA: Same. Same objections.  
7 The -- the question calls for privileged information.

8 MR. REUBEN CHEN: I disagree with that.  
9 Are you instructing the witness not to answer?

10 MS. BHATTACHARYYA: I instruct the witness 3:17:13PM  
11 not to answer any questions of discussions with  
12 counsel.

13 BY MR. REUBEN CHEN:

14 Q Same question, then. Who --

15 MS. BHATTACHARYYA: Same -- 3:17:22PM  
16 BY MR. REUBEN CHEN:

17 Q. Who represented to you that the document discusses  
18 the machining tool used to create Antarctica?

19 MS. BHATTACHARYYA: I will instruct the  
20 witness not to answer the question. It calls for 3:17:33PM  
21 information that is protected under Rule 26.

22 MR. REUBEN CHEN: I disagree, and so I'll  
23 just reserve my right to redepose Dr. Tuckerman to ask  
24 him that -- that specific question.

25 Q Dr. Tuckerman, were you ever shown the entire 3:17:47PM

1 document, or just a picture of one page of that  
2 document?

3:17:49PM

3 A I -- I saw only one -- that one page.

4 Q A picture of that one page?

5 MS. BHATTACHARYYA: Objection.

3:18:04PM

6 Mischaracterizes exhibits and prior testimony.

7 THE WITNESS: Well, yeah. I mean, I didn't  
8 have the physical page. It was, you know, a JPG or  
9 whatever.

10 BY MR. REUBEN CHEN:

3:18:17PM

11 Q You didn't have the physical document in front of  
12 you. There was just a JPEG of one page of the  
13 document. Is that -- is that accurate?

14 MS. BHATTACHARYYA: Objection. Objection.

15 Mischaracterizes prior -- mischaracterizes the record  
16 and prior testimony.

3:18:26PM

17 THE WITNESS: I mean, I don't -- I don't know  
18 if it was a JPEG. I -- I was shown an image that  
19 appeared to be from a machining manual.

20 BY MR. REUBEN CHEN:

3:18:51PM

21 Q So there was an image of one page of a document --  
22 correct? -- that you reviewed?

23 MS. BHATTACHARYYA: Objection. Outside the  
24 scope of deposition topics. Mischaracterizes prior  
25 testimony and exhibits from prior depositions.

3:19:03PM

1 Mischaracterizes the record.

3:19:07PM

2 THE WITNESS: That's what it appeared to be.

3 BY MR. REUBEN CHEN:

4 Q Okay. But you never reviewed the entire document.

5 Correct?

3:19:16PM

6 MS. BHATTACHARYYA: Objection. Foundation.

7 Outside the scope of the deposition.

8 THE WITNESS: I was shown that one page.

9 BY MR. REUBEN CHEN:

10 Q Okay. And it wouldn't have mattered anyway,

3:19:29PM

11 because you don't read Danish. Right?

12 MS. BHATTACHARYYA: Objection. Outside the  
13 scope of the deposition.

14 THE WITNESS: As I said, it was represented  
15 to me that that was the blade that was -- that -- a  
16 blade that had been used in Antarctica.

3:19:48PM

17 BY MR. REUBEN CHEN:

18 Q And there was an alleged measurement of the  
19 machining tool. Correct?

20 MS. BHATTACHARYYA: Objection.

3:19:35PM

21 Mischaracterizes exhibit. Prior testimony. Outside  
22 the scope of the deposition topics.

23 THE WITNESS: So the picture showed the tool  
24 being measured with -- with calipers. The width. The  
25 blade width it showed.

3:20:21PM

1 BY MR. REUBEN CHEN:

3:20:24PM

2 Q Do you know who measured the machining tool?

3 MS. BHATTACHARYYA: Same objections.

4 THE WITNESS: I do not.

5 BY MR. REUBEN CHEN:

3:20:31PM

6 Q You did not measure the machining tool. Correct?

7 A No, I never laid hands on the tool.

8 Q Do you know how the machining tool was measured?

9 MS. BHATTACHARYYA: Same objections.

10 THE WITNESS: It was -- it appeared to be, 3:20:48PM  
from the picture, measured in a very conventional  
11 manner, the same way I would have measured it, which  
12 was to put it in calipers, and -- and measure it.  
13

14 BY MR. REUBEN CHEN:

15 Q Do you know that for certain; that a caliper was 3:21:04PM  
16 used to measure the machining tool?

17 MS. BHATTACHARYYA: Same objections.

18 THE WITNESS: Well, I mean, I don't have the 3:21:24PM  
19 image in front of me, but unless I'm recalling wrongly,  
20 there was a pair of digital calipers clamped on the --  
21 on the blade, you know. So it -- it -- that was how  
22 anyone of ordinary skill in the art would have made  
23 that sort of measurement.

24 BY MR. REUBEN CHEN:

25 Q Now, as a matter of physics and manufacturing 3:21:47PM

1 practice, an actual channel in Antarctica is going to 3:21:50PM  
2 be wider than the width of the component in the  
3 machining tool used to create that channel. Correct?

4 MS. BHATTACHARYYA: Objection. Outside the 3:22:07PM  
5 scope of the deposition topics. Foundation.  
6 Mischaracterizes the record.

7 THE WITNESS: So generally with that type of  
8 machining with blades, you -- you get a taper. Okay?  
9 There's blade wobble, and such. And you -- you know,  
10 you get something that's wider at the top than at the 3:22:31PM  
11 bottom.

12 At the bottom you would expect to get -- you know,  
13 either exactly the blade width, or if the blade has  
14 worn, you know, because when blades have been used for  
15 a while they can, you know, get -- get narrower, maybe 3:22:48PM  
16 it would be even less. But you know, that -- like I  
17 say, you get a taper. And you're going to get -- you  
18 know, I think I kind of answered that.

19 BY MR. REUBEN CHEN:

20 Q Now, just to be clear, you testified that it was 3:23:20PM  
21 represented to you that the document discusses the  
22 machining tool used to create Antarctica. Correct?

23 MS. BHATTACHARYYA: Same objections.

24 THE WITNESS: Not -- not necessarily that  
25 particular Antarctica unit; but I mean, it -- it was 3:23:45PM

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1                   represented as a -- a machining tool that was used in                   3:23:50PM  
2                   the production of Antarcticas. There's -- there was no  
3                   representation made that that particular tool was used  
4                   on that particular Antarctica. As I think I mentioned  
5                   in the past, for all I know it was -- you know, maybe                   3:24:08PM  
6                   it was an out-of-spec unit.

7                   I mean, who -- you know, it was -- it was just one  
8                   physical sample that I measured. And I was mainly just  
9                   concerned that, you know, it -- it wasn't grossly out  
10                  of line on dimensions. So I put the calipers in; made                   3:24:25PM  
11                  the measurements.

12                  None of them that I measured were above  
13                  1 millimeter. And I was -- I was satisfied.

14 BY MR. REUBEN CHEN:

15 Q               So your opinion that Antarctica has channels that                   3:24:41PM  
16               are between 0.9 to 1 millimeters -- are you relying on  
17               the representation that the document in Danish  
18               discusses the machining tool that was used to create  
19               Antarctica?

20               MS. BHATTACHARYYA: Objection. Outside the                   3:25:08PM  
21               scope of the deposition topics. Mischaracterizes prior  
22               deposition testimony.

23 THE WITNESS: So the -- the only thing I can  
24               actually assert about the dimensions of that particular  
25               Antarctica were the measurements that I took on that                   3:25:37PM

1 particular sample, which I measured with calipers at 3:25:43PM  
2 the base of the samples, and got numbers that were  
3 close to but not in excess of 1 millimeter.

4 The other information, you know, about the blade I  
5 just viewed as plausible corroboration that that's a 3:26:04PM  
6 blade that was used in Antarctica machining, and  
7 therefore that you would expect that the channel widths  
8 would be the order of a millimeter from that sort of  
9 blade. And so it -- it kind of tied, but I certainly  
10 wasn't taking anyone's word for -- for that. 3:26:36PM

11 Like I say, I didn't -- you know, I was asked in  
12 the deposition about it. And I believe -- you know, I  
13 don't remember exactly what I said, but the -- it -- it  
14 seemed very plausible that that kind of blade would  
15 have been used to make the structure -- to make the 3:26:58PM  
16 structures that I measured on that Antarctica sample.

17 But the only thing I can factually assert to you  
18 is I made measurements at the bases of the channels on  
19 that Antarctica with calipers; did not get any  
20 measurements above 1 millimeter. But they were very 3:27:17PM  
21 close, you know. Nine-something. So...

22 BY MR. REUBEN CHEN:

23 Q. Are you relying on what you call the "plausible  
24 corroboration" of that document for your ultimate  
25 opinion that Antarctica's channels satisfy the 3:27:31PM

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1                   I, the undersigned, a Certified  
2 Shorthand Reporter of the State of California, do  
3 hereby certify:

4                   That the foregoing proceedings were taken before  
5 me at the time and place herein set forth; that any  
6 witnesses in the foregoing proceedings, prior to  
7 testifying, were placed under oath; that a verbatim  
8 record of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; further, that the foregoing is an accurate  
11 transcription thereof.

12                  I further certify that I am neither financially  
13 interested in the action nor a relative or employee of  
14 any attorney or any of the parties.

15                  IN WITNESS WHEREOF, I have this date subscribed my  
16 name.

17  
18                  Dated: March 22, 2022

19  
20  
21  
22                  Lydia Zinn

23                  LYDIA ZINN, RPR, FCRR

24                  CSR No. 9223